
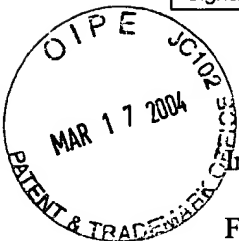


| CERTIFICATE OF EXPRESS MAILING | | | |
|--|---|------|----------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and addressed to: Mail Stop <u>RCE</u> , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date: <u>March 17, 2004</u> EXPRESS MAIL LABEL NO. EL 977673935 US | | | |
| Name (Print/Type) | Jan Huss | | |
| Signature |  | Date | March 17, 2004 |



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|-----------------------------------|--|
| In re application of: |) Examiner: Kam, Chih Min |
| |) |
| Frederic DeSAUVAGE, et al. |) Art Unit: 1653 |
| |) |
| Application Serial No. 09/813,775 |) Attorney's Docket No. 39766-0057 CP2 |
| |) |
| Filed: March 20, 2001 |) Customer No. 25213 |
| |) |
| For: NOVEL CHIMPANZEE |) |
| ERYTHROPOIETIN (CHEPO) |) |
| POLYPEPTIDES AND NUCLEIC |) |
| ACIDS ENCODING THE SAME |) |

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Office of Petitions
Crystal Plaza 4
Suite 3C23
Arlington, VA 22202

Sir:

Listed on an attached Form PTO-1449 is information known to applicant(s). This statement is being filed along with a Request for Continued Examination (RCE).

Applicants respectfully request that the information listed on the attached Form 1449 be considered by the Examiner and made of record in the above-identified application. The Examiner is requested to initial and return the enclosed Form 1449.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
- ☐ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
- ☒ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

- ☐ a certification as specified in §1.97(e) is provided below; or
- ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of \$.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Attorney's Docket No. 39766-0057 CP2).

Respectfully submitted,

Dated: March 17, 2004

By: Leslie Mooi
Leslie A. Mooi (Reg. No. 37,047)

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Facsimile: (650) 324-0638

| | | |
|--|--|--------------------------------------|
| Form PTO-1449 INFORMATION DISCLOSURE STATEMENT MAR 17 2004 <i>(use several sheets if necessary)</i> | Attorney's Docket No. 39766-0057 CP2 | Application Serial No. 09/813,775 |
| | Applicant(s) Frederic DeSAUVAGE, et al. | |
| | Filing Date: March 20, 2001 | Group Art Unit: 1653 |

U.S. PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Name | Class | Subclass | Filing Date (if appropriate) |
|-------------------|----------|---------|--------------|---------------|-------|----------|------------------------------|
| | 1. | 10/1987 | 4,703,008 | LIN, Fue-Kuen | 435 | 360 | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Name | Class | Subclass | Translation | |
|-------------------|----------|---------|--------------|------------------|-------|----------|-------------|----|
| | | | | | | | YES | NO |
| | 2. | 08/1992 | 0 232 034 B1 | Yanagi et al. | | | | x |
| | 3. | 11/1994 | WO 94/2505 | Okasinski et al. | | | | x |

OTHER DOCUMENTS

(including author, title, date, pertinent pages, etc.)

| Examiner Initials | Ref. No. | Title |
|-------------------|----------|--|
| | 4. | Jacobs et al. "Isolation and characterization of genomic and cDNA clones of human erythropoietin, Nature, Vol. 313, pp 806-810 (1985). |
| | 5. | Blast Reports, A1-A9 |
| | 6. | Lin, et al.; "Cloning and Expression of the Human Erythropoietin Gene", PNAS, 82:7580-7584 (1985) |
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EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

*If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d).